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GENERAL COUNSEL'S OPINION NUMBER 58-6, DATED 13 OCTOBER 1958

Retired reservists may receive military retired pay in addition to Federal civilian compensation.

TO DIRECTOR OF PERSONNEL

1. Your memorandum of 8 October 1958 inquired as to entitlement of J. W. to retain salary as an Agency employee and military retired pay as a Colonel in the Army of the United States.
2. Department of the Army Special Orders, dated 19 August 1958, disclose that Colonel J. W., U. S. Army Reserve, was placed on the retired list as of October 1958 under the provisions of 10 U.S. Code 3911 after more than 20 years active Federal service.
3. The Comptroller General in decision B-123382, dated 11 June 1957, (36 Comp. Gen. 809) held that the Dual Compensation Act (47 Stat. 406, as amended, 5 U.S.C. (Supp. IV) 59a (1955)) is not applicable to any retired reservists after 1 January 1953, the effective date of section 804 of the Armed Forces Reserve Act of 1952 (66 Stat. 505, 506). Accordingly, Colonel W. may retain both his Agency salary and his Army retired pay.

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LAWRENCE R. HOUSTON
General Counsel

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